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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,666	01/24/2002	Wolfgang Billinger	P67552US0	8422
136	7590	08/19/2004	EXAMINER	
JACOBSON HOLMAN PLLC			HOLZEN, STEPHEN A	
400 SEVENTH STREET N.W.			ART UNIT	PAPER NUMBER
SUITE 600				3644
WASHINGTON, DC 20004				

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/053,666	BILLINGER ET AL.
	Examiner Stephen A. Holzen	Art Unit 3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15, 19-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15, 19-28, 30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed 7/9/2004, with respect to the rejection(s) of claim(s) 15 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over the applicant's prior art disclosure in view of Hertzberg (4,966,802) and further in view of ordinary skill in the art.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15, 19, 20, 24, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art disclosure view of ordinary skill in the art and further in view of Hertzberg.

Re - Claim 15, 27, 28: The applicant discloses a connecting device, a fitting, a bearing, wherein the fitting is secured to a moveable part, the resin transfer molding method, and nylon interwoven with the fabric (9) to enhance the impact strength of the article produced (see Page 7, lines 7-13). The applicant does not disclose a fitting made of synthetic composite material and wherein said fitting is securing to movable part by gluing.

Hertzberg discloses that it is known to manufacture aircraft components with composite synthetic compositions.

The applicant's prior art disclosure in view of Hertzberg does not specifically disclose manufacturing a fitting made of a synthetic composite material. However it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture a fitting as a synthetic composite material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin 125 USPQ 416.

Further it would have been obvious at the time the invention was made to use adhesives to bond the fittings to a movable structure as taught by Hertzberg (see Col. 5, lines 8-40).

Re - Claims 19 and 20: the applicant's prior art disclosure teaches a device having a reactive material sewn or woven into the carbon fabric (see page 7, lines 7-13), wherein said reactive material is nylon (see page 7, lines 7-13).

Re - Claims 24 and 25: Hertzberg teaches that additional connecting means are well known in addition to gluing. (see Figure 7)

4. Claims 21, 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art disclosure as applied to claim 15 above, and further in view of Padden (EP 0 532 016 A1).

Re - Claim 21, 26 As described above the applicant discloses every aspect of the applicant's invention except a recess provided in said movable part, said fitting being embedded in said recess. Padden discloses a recess provided in said movable part, said fitting being embedded in said recess (see Figure 1). It would have been obvious at the time the invention was made to provide a recess in the movable part and to embed the fitting in the recess for increasing structural rigidity.

Re - Claim 22: Padden discloses a movable part having an upper covering layer and a lower covering layer said fitting being arranged there between. (see figure 1)

Re - claim 23: the applicant's prior art as disclosed above in view of Padden discloses a fitting glued with said upper covering layer and said lower covering layer.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art disclosure in view of Hertzberg, further in view of ordinary skill in the art and further in view of Padden.

The applicant discloses as prior art a fitting for connecting a movable part of an aircraft with a structural component of the aircraft, wherein the movable part is made of a composite material and wherein the moveable part is a control surface.

Hertzberg discloses that it is known to manufacture aircraft components with composite synthetic compositions.

The applicant's prior art disclosure in view of Hertzberg does not specifically disclose manufacturing a fitting made of a synthetic composite material. However it would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture a fitting as a synthetic composite material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin 125 USPQ 416.

Further it would have been obvious at the time the invention was made to use adhesives to bond the fittings to a movable structure as taught by Hertzberg (see Col. 5, lines 8-40).

As disclosed above The applicant's prior art disclosure teaches every aspect of the present invention except where the movable part has an upper covering layer and a lower covering layer and said fitting being arranged and glued there between. Padden discloses a movable part having an upper covering layer and a lower covering layer of fiber reinforced fabric and said fitting being arranged there between. (see Figure 1). It would have been obvious at the time the invention was made to glue a fitting between a upper and lower covering layer for increasing structural rigidity of a movable part.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 703 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MICHAEL J. CARONE  
SUPERVISORY PATENT EXAMINER